

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **REP. JOHN MUSGROVE**, on March 23, 2001 at 3:15 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Jeff Mangan (D)
Rep. Alan Olson (R)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 629, 3/9/2001
Executive Action: HB 629; SB436; SB 404; SB 423

HEARING ON HB 629**Sponsor:** REPRESENTATIVE BILL EGGERS, HD 6, Crow Agency**Proponents:** Michael Halligan, Boy Scout
Bill Cooper, OPI
Inga Nelson, MEA-MFT**Opponents:** None**Opening Statement by Sponsor:**

REPRESENTATIVE BILL EGGERS, HD 6, Crow Agency, said he was presenting a bill allowing school districts to use funds in the technology acquisition fund for matching funds to implement professional development and community-based outreach programs. He was a member of a group that worked with the White House to develop this idea. He returned to Montana with a pledge to attempt to introduce model legislation this session to educate statewide K-12 and bring them up to the highest standards of computer literacy. The bill addresses K-12 technology and computer literacy. It is a good bill. He is going ask the committee to table the bill. The participants in the Palo Alto Initiative, including the Gates Foundation, Microsoft and a number of other technological research and development infrastructure firms, all made vigorous pledges to support, not only the initiative, but any efforts on the part of the participants to advance the ideas of the initiative. He sent out at least 30 e mails and made as many calls to attempt to encourage the participants to get involved in this particular bill. It contains a provision that involves matching funds which he asked the legislature to consider and in turn would ask the state to advance \$100,000 of matching funds and getting private industry to match either in kind or to match the \$100,000 to get the program going. He thought there would be an overwhelming response. He has come up with a mouse. He doesn't know what to attribute this to other than the fact that the stock market is plunging and we are in an unsteady market. Maybe the corporations aren't as fluid as they were last year; maybe they feel they can't get involved in this program at the present time. The future may be brighter in the next biennium. It will be a good bill in the next legislative session. Owing to the constraints of time, he doesn't believe this legislative session is going to approve of the \$100,000 of seed money. Children should be computer literate and this bill would help them get there.

Proponents' Testimony:

Michael Halligan said he is present to support the bill because technology is important for a student's education. He presented written testimony. **EXHIBIT (edh66a01)**

Bill Cooper, OPI, complemented Boy Scout **Michael Halligan** on his testimony. He did a great job. **Bill Cooper's** organization was prepared to answer questions and they do believe it is a good bill. They will be here in the next legislature to support it.

Inga Nelson, MEA-MFT, said they were prepared to give testimony in support of the bill. They will be here in the next session to support it.

Opponents' Testimony: None**Questions from Committee Members and Responses:**

REPRESENTATIVE MASOLO had a question for **Michael Halligan**. What is your favorite thing to do on the computer? **Michael Halligan** said typing is his favorite. It is hard to do. **REPRESENTATIVE MASOLO** asked him what he looks up on the computer. **Michael Halligan** said he likes to look up Boy Scout activities on the website. Teachers assign them topics and they research them on the web. **REPRESENTATIVE MASOLO** asked him what school he attends. **Michael Halligan** said he attends school in Missoula. **REPRESENTATIVE MASOLO** asked him how he learned about the bill. **Michael Halligan** said his father, **SENATOR MIKE HALLIGAN** told him about it.

REPRESENTATIVE GALVIN-HALCRO also had a question for **Michael Halligan**. She asked if he is going to earn a scouting badge for coming to the committee and testifying? **Michael Halligan** said yes. His mother is teaching communications in the community and nation. He is here for the nation badge.

Closing by Sponsor:

REPRESENTATIVE BILL EGGERS thanked the committee for their support.

REPRESENTATIVE MASOLO took over the position as **CHAIR**.

EXECUTIVE ACTION ON HB 629

Motion: REP. LAWSON moved that HB 629 DO PASS.

Discussion:

Connie Erickson stated that if the bill is to be passed it will need an amendment to coordinate it with SB 313. She has prepared the amendment.

Substitute Motion/Vote: REP. LAWSON made a substitute motion that HB 629 BE TABLED. Substitute motion carried 17-0.

EXECUTIVE ACTION ON SB 436

Motion: REP. LEHMAN moved that SB 436 BE CONCURRED IN.

Discussion:

Connie Erickson passed out amendments. (SB043602.ace)
EXHIBIT(edh66a02)

Motion: REP. ANDERSEN moved that AMENDMENTS TO SB 436 BE ADOPTED.

Discussion:

Connie Erickson said that SENATOR ELLIS had prepared a set of amendments and they were passed out on the day of the hearing. Later on he decided to make additions to the original ones. She then explained the amendments. See Exhibit(2)

REPRESENTATIVE LEHMAN asked Connie Erickson about transferring money from the bus depreciation reserve fund budget. As he understands it, that can be done only if the district would eliminate its buses. Connie Erickson said that provision has been removed in the amendments. REPRESENTATIVE LEHMAN said he would not be in agreement with that portion of the amendments. His understanding of the bus depreciation reserve fund budget is that it be used specifically for the purchase of buses and or two-way radios, etc. He is not certain he would want to give a school district the authority to utilize their bus depreciation reserve fund budget, which can be a goodly amount of money, to transfer it to the general fund if they get in a jam. He can perceive that in a few years down the road when they need to replace a bus, they won't have the money to do it.

REPRESENTATIVE WOLERY asked if the portion of the amendments that deals with the buses can be removed and the bus funds be left untouched. **Connie Erickson** answered that it could be done. It would be the second part of number 11. It would be the amendment to 20-10-147. The committee can segregate number 11 from the amendments and then handle it alone.

REPRESENTATIVE LEHMAN asked **Connie Erickson** about the public hearing referred to in the amendments. Would a regular meeting of the board of trustees qualify as a public hearing or does it have to be a separate meeting? Can a board of trustees in their notification that they have to post now prior to a board meeting also indicate that there is going to be a public hearing regarding transfer of funds so they can do two things at the same meeting? **Connie Erickson** said she believes they can do them both at the same meeting. They would have to give notice that the transfer of funds is going to be discussed and that they will take public comment on the subject. Local governments do that all the time.

REPRESENTATIVE WOLERY said that he supports **REPRESENTATIVE LEHMAN's** concern about a district spending the bus funds.

REPRESENTATIVE LEHMAN said he felt he should share with the committee that he will be carrying a Senate bill for **SENATOR TESTER** that will restore to school districts some local control. If the senate bill is passed, the bus depreciation reserve fund budget will again become a permissive levy. At present, it has to be voted on if a district is going to increase it. That bill also carries with it a permissive levy for adult education.

Substitute Motion: **REP. WOLERY** made a substitute motion **TO SEGREGATE THE AMENDMENT TO 20-10-147 FROM AMENDMENTS SB043602.ACE.**

Discussion:

REPRESENTATIVE ANDERSEN said in her opinion after reading section 20-10-147, it looks like the bus depreciation reserve fund money must be spent for the purpose the fund was created. The amendment may be a bit ambiguous because of that.

REPRESENTATIVE LEHMAN said a few years ago schools got themselves in trouble when a law went into effect and schools, in order to keep operating at the level they had been, dipped into their bus reserve funds and there were school districts around the state that were hurting for replacement of buses.

Substitute Motion/Vote: REP. WOLERY made a substitute motion TO SEGREGATE THE AMENDMENT TO 20-10-147. Substitute motion carried 15-2 with Galvin-Halcro and Mangan voting no.

Motion/Vote: REP. ANDERSEN moved that AMENDMENTS SB043602.ACE AS SEGREGATED, BE ADOPTED. Motion carried 17-0.

Motion/Vote: REP. WOLERY moved that SB 436 BE CONCURRED IN AS AMENDED. Motion carried 16-1 with Walters voting no.

REPRESENTATIVE ALAN OLSON will carry the bill on the floor.

EXECUTIVE ACTION ON SB 404

Motion: REP. GALVIN-HALCRO moved that SB 404 BE CONCURRED IN.

Discussion:

REPRESENTATIVE LEHMAN asked if the committee had already heard and passed a bill that addresses the same issues as SB 404.

Connie Erickson said that during the hearing of SB 404 it was asked whether the bill presented by REPRESENTATIVE DEE BROWN, which amends the same section of law as this bill, would cover the issues discussed in SB 404. The answer is no.

REPRESENTATIVE BROWN's bill provided another alternative for selecting additional trustees from the elementary districts that are part of the high school district. This particular case in SB 404 deals with an elementary district that is not part of the high school district. It is a unique situation called a split district. She believes there is more than one split district in the state.

Motion/Vote: REP. GALVIN-HALCRO moved that SB 404 BE CONCURRED IN. Motion failed 4-13 with Galvin-Halcro, Mangan, Waddill, and Walters voting aye.

Motion: REP. LAWSON moved to REVERSE VOTE ON SB 404 AND THAT IT BE TABLED.

EXECUTIVE ACTION ON SB 423

Motion/Vote: REP. PETERSON moved TO RECONSIDER SB 423. Motion carried 9-8 with Branae, Galvin-Halcro, Jackson, Lehman, Mangan, Musgrove, Walters, and Wolery voting no.

Motion: REP. PETERSON moved that SB 423 BE CONCURRED IN.

Discussion:

REPRESENTATIVE PETERSON presented his first amendment. On page 3, line 4, he would change 10% to 15%.

Motion/Vote: REP. PETERSON moved that FIRST AMENDMENT TO SB 423 BE ADOPTED. Motion carried 17-0.

Motion: REP. PETERSON moved that SB 423 BE CONCURRED IN AS AMENDED.

Discussion:

REPRESENTATIVE PETERSON presented his second amendment. On page 3, line 24, he would insert, "In the event that a vacancy occurs in a single-member trustee district, the remaining trustees shall nominate and appoint from said district a trustee who is a resident of that district to serve for the remainder of the term." He said it is a conceptual amendment and he would let Connie Erickson create the final wording.

Motion: REP. PETERSON moved that SECOND AMENDMENT TO SB 423 BE ADOPTED.

Discussion:

REPRESENTATIVE JACOBSON stated that he had discussed the amendments with REPRESENTATIVE PETERSON and he believes that the Representative has met the concerns he had when he originally voted against the bill. He will vote for the amendment.

REPRESENTATIVE LEHMAN said there is currently in school law a provision made for the replacement of a trustee should a vacancy occur. He believes the amendment could be patterned after what is currently in law with the addition that it applies only to single-member districts.

REPRESENTATIVE PETERSON said that the intent is that if a vacancy should occur in that single-member district, someone from that district will be appointed to serve the unserved term.

REPRESENTATIVE JACOBSON said he believes under current law the new person would only serve until the departed trustee's term expires.

REPRESENTATIVE WOLERY said he believes the remaining trustees would, by law, appoint the new trustee. He believes **REPRESENTATIVE PETERSON** is on target.

Connie Erickson read 20-3-309 from the current code.

Motion/Vote: REP. PETERSON moved that **CONCEPTUAL SECOND PETERSON AMENDMENT TO SB 423 BE ADOPTED. Motion carried 17-0.**

EXHIBIT (edh66a03)

Motion: REP. PETERSON moved that **SB 423 BE CONCURRED IN AS AMENDED.**

Discussion:

REPRESENTATIVE MUSGROVE had a question. When the whole district goes into single districts now, is there a way to get it back in the future if voters so wish? Can this legislation be reversed?

REPRESENTATIVE JACOBSON asked if the power to create is the same as the power to destroy by getting the 15% mandate from the qualified electors?

Bob Vogel, MSBA, said he could not help the committee on the question. He would assume that there would have to be a provision to reverse this action.

Connie Erickson said she cannot find anything in current code about the creation of single-member districts. She would suggest, if it is the will of the committee to pass the bill, the committee should pass it and she will do more research to find out if further clarification is needed in the law to be able to reverse this if necessary. Someone could request an amendment on the floor when the bill is heard.

REPRESENTATIVE PETERSON said the law presently allows for the creating of single-member districts. A previous legislature adopted a law that allows the creating of single-member districts. Apparently they didn't see any need for going back. In current law there is no procedure.

Motion/Vote: REP. PETERSON moved that **SB 423 BE CONCURRED IN AS AMENDED. Motion carried 11-6 with Bixby, Branae, Galvin-Halcro, Lehman, Mangan, and Walters voting no.**

REPRESENTATIVE PETERSON will carry the bill on the floor.

ADJOURNMENT

Adjournment: 4:15 P.M.

REP. GAY ANN MASOLO, Chairman

NINA ROATCH, Secretary

GM/NR

EXHIBIT (edh66aad)